IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	John David Miller	Examiner: Thu-Thao Havan	
Serial No.:	09/210,055	Group Art Unit: 2672	
Filed:	December 11, 1998	Docket: 884.055US1	
Title:	METHOD AND APPARATUS FOR CONTROLLING IMAGE TRANSPARENCY		

RESPONSE UNDER 37 CFR § 1.111

Commissioner for Patents
Washington, D.C. 20231

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Applicant has reviewed the Office Action mailed on May 22, 2001.

REMARKS

Applicant has reviewed and considered the Office Action mailed on May 22, 2001 and the references cited therewith.

No claims are amended, no claims are cancelled and no claims are added; as a result, claims 1-20 are now pending in the application.

Rejections Under 35 U.S.C.§103

Claims 1-19 were rejected under 35 U.S.C.§103(a) as being unpatentable over Bier et al. (U.S. Patent No. 5,617,114) in view of Kajiwara (U.S. Patent No. 5,872,872). Applicant does not admit that Kajiwara is prior art and reserves the right to swear behind Kajiwara as provided for under 37 C.F.R. 1.131. Applicant traverses the rejections.

Applicant respectfully submits that the Office Action improperly combines Bier et al. and Kajiwara. The fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01. Neither Bier et al. nor Kajiwara suggests the desirability of combining Bier et al. and Kajiwara, so applicant respectfully submits that the combination is improper. Therefore, applicant requests withdrawal of the rejections and reconsideration and allowance of claims 1-19.

Even if the Office Action has properly combined the references, the references do not teach or suggest each of the elements included in the claims. Each of the claims, 1-19, recites "a vector normal to a viewing surface." The Office Action in paragraph 1B cites to Bier et al. at col